

ORIGINAL

Decision No. 44224

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PAUL ALLEY, an individual, and J. B.)
BOWERS, ALFRED KNUITSEN, GEORGE E.)
JACOBSON and RAY H. FOX, copartners,) Application No. 27629
to purchase the transportation) 1st Supplemental
business, equipment and operating)
authority herein described.)

SECOND SUPPLEMENTAL ORDER

By Decision No. 39247, dated July 30, 1946, upon appropriate application therefor, the Commission authorized Paul Alley to sell and J. B. Bowers, Alfred Knutsen, George E. Jacobson and Ray H. Fox, to purchase, the operative rights theretofore granted Paul Alley by Decision No. 32673, dated December 19, 1939.

All of said parties have joined in the execution of this supplemental application, alleging that at the time the original application herein was filed, Paul Alley was the owner of another certificate of public convenience and necessity, granted to him by Decision No. 35465, dated June 9, 1942; that it was the original intention of the parties that this latter right be sold and transferred, without any further consideration, as part of the original transaction; that through oversight or inadvertence a request to transfer this latter right was not included in the original application herein.

(1) Said decision authorized Cantlay & Tanzola, Inc. to sell and Paul Alley to purchase, the operative rights granted the former by Decision No. 29195, dated October 14, 1936, and by Decision No. 32673, dated December 19, 1939.

The contention of the parties is supported by various records on file with the Commission.

Attached to the original application herein is a questionnaire entitled "Information Respecting Transferor" wherein, in response to a question relative to a description of the rights sought to be transferred, it is stated "all rights now held to be transferred simultaneously." Both the application and the questionnaire were signed by Paul Alley on June 25, 1946.

Pursuant to said Decision No. 39247 the purchasers therein filed with the Commission an adoption and ratification of all the tariffs, rates, rules and regulations of Paul Alley in effect on August 20, 1946, including an adoption and ratification of all the tariffs filed by Paul Alley under said Decision No. 35465.

In another proceeding now pending before the Commission (Application No. 31327) said purchasers are seeking an extension of their operative authority. In that proceeding, they have described their present authority as including all the routes and places granted by said Decision No. 35465.

It thus appears that not only did the parties hereto originally intend to transfer the rights granted Paul Alley by Decision No. 35465, but also that they have assumed since July 30, 1946, that the purchasers actually acquired all of the operative rights owned at that time by Paul Alley.

Now therefore, good cause appearing,

IT IS ORDERED that Decision No. 39247, dated July 30, 1946, be and it is hereby amended by adding thereto authority for Paul Alley to sell and J. B. Bowers, Alfred Knutsen, George E.

Jacobson and Ray H. Fox to acquire and thereafter conduct operations pursuant to the operative right created by Decision No. 35465, dated June 9, 1942. Except as amended herein and by Decision No. 39466, dated October 1, 1946, said Decision No. 39247, dated July 30, 1946, shall remain in full force and effect.

Dated at San Francisco, California, this 23rd day of May, 1950.

R. F. Johnson
Justin F. Curran
Robert Lowell
Harold A. Huls

COMMISSIONERS

Commissioner Kenneth Pottor, being necessarily absent, did not participate in the disposition of this proceeding.